

Notice of Allowability**Application No.**

09/766,267

Applicant(s)

TONG ET AL.

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 5/22/08.
2. ☒ The allowed claim(s) is/are Claims 1-15, 17-24 renumbered 1-23 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Hanh Nguyen/
Primary Examiner, Art Unit 2616

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bruce Garlick at (512) 264-8816 on 8/25/08.

The application has been amended as follows:

Claims 7, 14, 15 and 22 have been amended as shown below:

Claim 7 (amended) The method of claim 1, wherein:

~~[a high speed data frame]~~ the at least one explicit data rate indicator includes both a primary explicit data rate indicator and a secondary explicit data rate indicator;

wherein the primary explicit data rate indicator indicates: a user terminal of the plurality of user terminals for which a first portion of the high speed data frame is intended; and a data rate for the first portion of the high speed data frame; and wherein the secondary explicit data rate indicator indicates a user terminal of the plurality of user terminals for which a second portion of the high speed data frame is intended.

Claim 14. (Amended) The superframe of claim 8, wherein:

~~[a high speed data frame]~~ the at least one explicit data rate indicator of the superframe includes both a primary explicit data rate indicator and a secondary explicit data rate indicator;

wherein the primary explicit data rate indicator indicates: a user terminal of the plurality of user terminals for which a first portion of the high speed data frame is intended; and a data rate for the first portion of the high speed data frame; and

wherein the secondary explicit data rate indicator indicates a user terminal of the plurality of user terminals for which a second portion of the high speed data frame is intended.

15. (currently amended) A method of operating a user terminal to wirelessly receive data communications on a wireless carrier, the method comprising:

repeatedly and sequentially wirelessly receiving time division multiplexed superframes from a base station, wherein each time division multiplexed superframe comprises a plurality of high speed data frames that are intended for a plurality of user terminals; for each of the plurality of high speed data frames, receiving at least one explicit data rate indicator that identifies:

at least one user terminal of the plurality of user terminals for which at least one respective data communication carried by the high speed data frame is intended;

at least one data rate of the at least one respective data communication carried by the high speed data frame; and

at least one relative position of the at least one data communication carried by the high speed data frame [.] ;

determining that a particular high speed data frame of the superframe is intended for the user terminal based upon the respective indication;

determining a data rate of the particular high speed data frame based upon the respective indication; and

receiving a data communication contained in the particular high speed data frame.

22. (currently amended) A user terminal that acts as a wireless receiver to wirelessly receive data communications on a wireless carrier, the user terminal comprising:

an antenna;

a Radio Frequency unit coupled to the antenna; and

a digital processor coupled to the Radio Frequency unit that executes software instructions causing the user terminal to:

repeatedly and sequentially wirelessly receive time division multiplexed superframes from a base station, wherein each time division multiplexed superframe comprises a plurality of high speed data frames that are intended for a plurality of user terminals;

for each of the plurality of high speed data frames, receive a respective indication of its contents that includes at least one explicit data rate indicator that identifies:

at least one user terminal of the plurality of user terminals for which at least one respective data communication carried by the high speed data frame is intended;

at least one data rate of the at least one respective data communication carried by the high speed data frame; and

at least one relative position of the at least one data communication carried by the high speed data frame[.] ;

for each of the plurality of high speed data frames, determine whether the high speed data frame is intended for the user terminal;

determine that a particular high speed data frame of the superframe is intended for the user terminal; and

receive a data communication contained in the particular high speed data frame.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

In claims 1, 8, 15, 21, 22, 23 and 24, the prior art in the record does not disclose each of the high speed data frames includes at least one explicit data rate indicator that identifies: at least one user terminal of the plurality of user terminals for which at least one respective data communication carried by the high speed data frame is intended; at least one data rate of the at least one respective data communication carried by the high speed data frame; and at least one relative position of the at least one data communication carried by the high speed data frame.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday 8:30 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hanh Nguyen/
Primary Examiner, Art Unit 2616